

1 A bill to be entitled
 2 An act relating to court finances; amending s. 28.241,
 3 F.S.; specifying for graduated filing fees based upon
 4 claim values imposed on parties instituting certain real
 5 property foreclosures civil actions; providing
 6 requirements for determining claim values; providing a
 7 graduated fee schedule; providing for allocation of
 8 portions of the fees; specifying trust fund deposit
 9 requirements for fee portions; authorizing clerks of court
 10 to impose additional filing fees; specifying postal
 11 charges; expanding the parties subject to certain filing
 12 fees; amending s. 34.041, F.S.; expanding the parties
 13 subject to certain filing fees; amending s. 318.15, F.S.;
 14 revising provisions for reimbursement of a reduction in
 15 certain civil penalties relating to noncriminal traffic
 16 infractions; requesting the Supreme Court to modify
 17 certain judicial rules to implement changes made by the
 18 act; providing a declaration of important state interest;
 19 providing effective dates.

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 21 Be It Enacted by the Legislature of the State of Florida:
 22 Section 1. Paragraphs (a) and (c) of subsection (1) of
 23 section 28.241, Florida Statutes, are amended to read:
 24 28.241 Filing fees for trial and appellate proceedings.--
 25 (1) (a) 1. Except as provided in subparagraph 2., the party
 26 instituting any civil action, suit, or proceeding in the circuit
 27 court shall pay to the clerk of that court a filing fee of up to
 28 \$295 in all cases in which there are not more than five

29 | defendants and an additional filing fee of up to \$2.50 for each
30 | defendant in excess of five. Of the first \$85 in filing fees,
31 | \$80 must be remitted by the clerk to the Department of Revenue
32 | for deposit into the General Revenue Fund, and \$5 must be
33 | remitted to the Department of Revenue for deposit into the
34 | Department of Financial Services' Administrative Trust Fund to
35 | fund the contract with the Florida Clerks of Court Operations
36 | Corporation created in s. 28.35. The next \$15 of the filing fee
37 | collected shall be deposited in the state courts' Mediation and
38 | Arbitration Trust Fund. One-third of any filing fees collected
39 | by the clerk of the circuit court in excess of \$100 shall be
40 | remitted to the Department of Revenue for deposit into the
41 | Department of Revenue Clerks of the Court Trust Fund. An
42 | additional filing fee of \$4 shall be paid to the clerk. The
43 | clerk shall remit \$3.50 to the Department of Revenue for deposit
44 | into the Court Education Trust Fund and shall remit 50 cents to
45 | the Department of Revenue for deposit into the Department of
46 | Financial Services Administrative Trust Fund to fund clerk
47 | education. An additional filing fee of up to \$18 shall be paid
48 | by the party seeking each severance that is granted. The clerk
49 | may impose an additional filing fee of up to \$85 for all
50 | proceedings of garnishment, attachment, replevin, and distress.
51 | Postal charges incurred by the clerk of the circuit court in
52 | making service by certified or registered mail on defendants or
53 | other parties shall be paid by the party at whose instance
54 | service is made. No additional fees, charges, or costs shall be
55 | added to the filing fees imposed under this section, except as
56 | authorized herein or by general law.

57 2.a. Notwithstanding the fees prescribed in subparagraph
58 1., a party instituting a civil action in circuit court for
59 foreclosure on residential or commercial real property secured
60 by a mortgage shall pay a graduated filing fee based on the
61 value of the claim.

62 b. A party shall estimate the amount in controversy of the
63 claim upon filing the action. The value of a foreclosure action
64 for the purpose of determining the filing fee is based upon the
65 principal due on the note secured by the mortgage, plus interest
66 owed on the note at the time of filing the foreclosure, plus any
67 property taxes owed at the time of the filing of the
68 foreclosure. In its order providing for the final disposition of
69 the matter, the court shall identify the actual value of the
70 claim. The clerk shall adjust the filing fee if there is a
71 difference between the estimated amount in controversy and the
72 actual value of the claim.

73 c. The party shall pay a filing fee of:

74 (I) The amount of \$295 in all cases in which the value of
75 the claim is \$50,000 or less and in which there are not more
76 than five defendants. The party shall pay an additional filing
77 fee of up to \$2.50 for each defendant in excess of five. Of the
78 first \$85 in filing fees, \$80 shall be remitted by the clerk to
79 the Department of Revenue for deposit into the General Revenue
80 Fund and \$5 shall be remitted to the Department of Revenue for
81 deposit into the Department of Financial Services'
82 Administrative Trust Fund to fund the contract with the Florida
83 Clerks of Court Operations Corporation created in s. 28.35. The
84 next \$15 of the filing fee collected shall be deposited into the
85 state courts' Mediation and Arbitration Trust Fund. An

86 additional filing fee of \$4 shall be paid to the clerk. The
87 clerk shall remit \$3.50 to the Department of Revenue for deposit
88 into the Court Education Trust Fund and 50 cents to the
89 Department of Revenue for deposit into the Department of
90 Financial Services' Administrative Trust Fund to fund clerk
91 education. An additional filing fee of up to \$18 shall be paid
92 by the party seeking each severance that is granted. The clerk
93 may impose an additional filing fee of up to \$85 for each
94 proceeding of garnishment, attachment, replevin, and distress.
95 Postal charges incurred by the clerk of the circuit court in
96 making service by certified or registered mail on defendants or
97 other parties shall be paid by the party at whose instance
98 service is made. No additional fees, charges, or costs shall be
99 added to the filing fees imposed under this section, except as
100 authorized herein or by general law.

101 (II) The amount of \$635 in all cases in which the value of
102 the claim is more than \$50,000 but less than \$250,000 and in
103 which there are not more than five defendants. The party shall
104 pay an additional filing fee of up to \$2.50 for each defendant
105 in excess of five. Of the first \$425 in filing fees, \$80 shall
106 be remitted by the clerk to the Department of Revenue for
107 deposit into the General Revenue Fund, \$340 shall be remitted to
108 the Department of Revenue for deposit into the State Courts
109 Revenue Trust Fund, and \$5 shall be remitted to the Department
110 of Revenue for deposit into the Department of Financial
111 Services' Administrative Trust Fund to fund the contract with
112 the Florida Clerks of Court Operations Corporation described in
113 s. 28.35. The next \$15 of the filing fee collected shall be
114 deposited in the state courts' Mediation and Arbitration Trust

115 Fund. An additional filing fee of \$4 shall be paid to the clerk.
116 The clerk shall remit \$3.50 to the Department of Revenue for
117 deposit into the Court Education Trust Fund and 50 cents to the
118 Department of Revenue for deposit into the Department of
119 Financial Services' Administrative Trust Fund to fund clerk
120 education. An additional filing fee of up to \$18 shall be paid
121 by the party seeking each severance that is granted. The clerk
122 may impose an additional filing fee of up to \$85 for each
123 proceeding of garnishment, attachment, replevin, and distress.
124 Postal charges incurred by the clerk of the circuit court in
125 making service by certified or registered mail on defendants or
126 other parties shall be paid by the party at whose instance
127 service is made. No additional fees, charges, or costs shall be
128 added to the filing fees imposed under this section, except as
129 authorized herein or by general law.

130 (III) The amount of \$975 in all cases in which the value
131 of the claim is more than \$250,000 and in which there are not
132 more than five defendants. The party shall pay an additional
133 filing fee of up to \$2.50 for each defendant in excess of five.
134 Of the first \$765 in filing fees, \$80 shall be remitted by the
135 clerk to the Department of Revenue for deposit into the General
136 Revenue Fund, \$680 shall be remitted to the Department of
137 Revenue for deposit into the State Courts Revenue Trust Fund,
138 and \$5 shall be remitted to the Department of Revenue for
139 deposit into the Department of Financial Services'
140 Administrative Trust Fund to fund the contract with the Florida
141 Clerks of Court Operations Corporation created in s. 28.35. The
142 next \$15 of the filing fee collected shall be deposited in the

143 state courts' Mediation and Arbitration Trust Fund. An
 144 additional filing fee of \$4 shall be paid to the clerk. The
 145 clerk shall remit \$3.50 to the Department of Revenue for deposit
 146 into the Court Education Trust Fund and 50 cents to the
 147 Department of Revenue for deposit into the Department of
 148 Financial Services' Administrative Trust Fund to fund clerk
 149 education. An additional filing fee of up to \$18 shall be paid
 150 by the party seeking each severance that is granted. The clerk
 151 may impose an additional filing fee of up to \$85 for each
 152 proceeding of garnishment, attachment, replevin, and distress.
 153 Postal charges incurred by the clerk of the circuit court in
 154 making service by certified or registered mail on defendants or
 155 other parties shall be paid by the party at whose instance
 156 service is made. No additional fees, charges, or costs shall be
 157 added to the filing fees imposed under this section, except as
 158 authorized herein or by general law.

159 (c) Any party in addition to ~~other than~~ a party described
 160 in paragraph (a) who files a pleading in an original civil
 161 action in circuit court for affirmative relief by cross-claim,
 162 counterclaim, counterpetition, or third-party complaint shall
 163 pay the clerk of court a fee of \$295. The clerk shall remit the
 164 fee to the Department of Revenue for deposit into the General
 165 Revenue Fund.

166 Section 2. Paragraph (c) of subsection (1) of section
 167 34.041, Florida Statutes, is amended to read:

168 34.041 Filing fees.--

169 (1)

170 (c) Any party in addition to ~~other than~~ a party described

171 in paragraph (a) who files a pleading in an original civil
172 action in the county court for affirmative relief by cross-
173 claim, counterclaim, counterpetition, or third-party complaint,
174 or who files a notice of cross-appeal or notice of joinder or
175 motion to intervene as an appellant, cross-appellant, or
176 petitioner, shall pay the clerk of court a fee of \$295 if the
177 relief sought by the party under this paragraph exceeds \$2,500.
178 This fee shall not apply where the cross-claim, counterclaim,
179 counterpetition, or third-party complaint requires transfer of
180 the case from county to circuit court. The clerk shall remit the
181 fee to the Department of Revenue for deposit into the General
182 Revenue Fund.

183 Section 3. Paragraph (b) of subsection (1) of section
184 318.15, Florida Statutes, as amended by chapter 2009-6, Laws of
185 Florida, is amended to read:

186 318.15 Failure to comply with civil penalty or to appear;
187 penalty.--

188 (1)

189 (b) However, a person who elects to attend driver
190 improvement school and has paid the civil penalty as provided in
191 s. 318.14(9), but who subsequently fails to attend the driver
192 improvement school within the time specified by the court shall
193 be deemed to have admitted the infraction and shall be
194 adjudicated guilty. In such a case in which there was an 18-
195 percent reduction pursuant to s. 318.14(9) as it existed prior
196 to February 1, 2009 ~~the effective date of this act~~, the person
197 must pay the clerk of the court that amount. Any person who
198 elects to attend driver improvement school but fails to attend

199 | through completion shall pay ~~and~~ a processing fee of up to \$18,
200 | after which no additional penalties, court costs, or surcharges
201 | shall be imposed for the violation. The clerk of the court shall
202 | notify the department of the person's failure to attend driver
203 | improvement school, and points shall be assessed pursuant to s.
204 | 322.27.

205 | Section 6. The Legislature requests that the Supreme Court
206 | modify judicial rules associated with filing fees to implement
207 | the changes provided for in this act.

208 | Section 7. The Legislature determines and declares that
209 | this act fulfills an important state interest.

210 | Section 8. This act shall take effect June 1, 2009.

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